

To: McKaughan, Colleen[McKaughan.Colleen@epa.gov]
Cc: Spiegelman, Nina[Spiegelman.Nina@epa.gov]
From: Christenson, Kara
Sent: Thur 4/7/2016 9:35:05 PM
Subject: FW: Concerns Raised by Steve Brittle, Don't Waste Arizona

Fyi.

This email, including attachments, may contain information that is confidential and/or protected by the attorney/client or other privileges. If you are not an intended recipient, please delete this email, including attachments, and notify me by email or at (415) 972-3881.

Kara Christenson

Senior Counsel

U.S. EPA Region 9

75 Hawthorne Street, 16th Floor

San Francisco, CA 94105

phone: 415 972-3881 / fax: 415 947-3570

christenson.kara@epa.gov

From: Jones, Joel E.
Sent: Thursday, April 07, 2016 2:14 PM
To: Chan, Janice <Chan.Janice@epa.gov>; Salazar, Matt <Salazar.Matt@epa.gov>;
Christenson, Kara <Christenson.Kara@epa.gov>; Alkon, Margaret <Alkon.Margaret@epa.gov>
Cc: Reyes, Deldi <Reyes.Deldi@epa.gov>
Subject: FW: Concerns Raised by Steve Brittle, Don't Waste Arizona

FYI – S. Brittle raised questions re Hickman poultry operation.

From: Reyes, Deldi

Sent: Thursday, April 07, 2016 11:30 AM

To: Meer, Daniel <Meer.Daniel@epa.gov>; Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>; Yogi, David <Yogi.David@epa.gov>; Tenley, Clancy <Tenley.Clancy@epa.gov>; Salazar, Matt <Salazar.Matt@epa.gov>; Jones, Joel E. <Jones.Joel@epa.gov>

Cc: Miller, Amy <Miller.Amy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>

Subject: Concerns Raised by Steve Brittle, Don't Waste Arizona

Colleagues, Chuck Swanson was part of a panel of speakers at a conference in Phoenix this past weekend; Steve Brittle of Don't Waste Arizona, was a co panelist. Steve shared a number of concerns with Chuck, who referred him to me, because there were so many. So, I spent about an hour on the phone with Steve yesterday, trying to get straight what his concerns were, and who he has talked with in our Region. I should say that what I share below represents what he said to me—I have made no effort to fact check or try to verify what he told me. I'm copying Amy and Kathleen here since the three of us will be in Arizona next week.

Steve wanted me to pass along that he does not "want to get anyone at EPA in trouble". He has a lot of respect for EPA as an institution and wants to support us in our mission. Nonetheless, he has concerns, some involving us and some with regard to ADEQ and he wants us to be aware of them. During my call with him, I was in listening mode, asking only clarifying questions and did not volunteer anything substantive from our end as to the content of the issues he raised.

I've organized the issues by Division. Parts 1 and 2 are SFD and Parts 3 and 4 are Enf. I ask that someone from your offices reach out to him. He can be reached at 602 881-3305.

Part 1 – Local Emergency Response Function within ADEQ (SFD)

Steve told me that over a year ago the function of the Arizona State Emergency Response Commission was transferred to ADEQ—specifically to the Water Division. No personnel were moved, just the function. Steve said that there is no longer access to previous Tier 2 reports because ASERC records were destroyed before the transfer of the emergency response function. He referred to this situation as a disaster in the making—an non-functioning EPCRA program. Steve is in contact with Dan Roe, previously the director of the AZSERC. Steve noted that Mary Wesling was very

responsive to him before she retired but that now his calls to EPA go unreturned.

A couple of weeks ago there was a fire involving a couple of explosions at Pacific Pulp and Paper, a recycling facility in South Phoenix. There was also one in 2014. Phoenix Fire called the new ADEQ Emergency Response line and got no answer. They went to the county next. Steve requested a "Tier 2 Facility" report re this incident from ADEQ and got what he called a hostile response; he was told it could take up to 45 days, at which point Steve elevated the issue to a higher level of ADEQ management, which resulted in the report being produced.

Steve wants to know if EPA can do anything to let ADEQ's emergency response program know that they should do better.

Part 2 – Motorola SFD Site – Public Meetings and Regular Communication (SFD)

Steve has been engaged with this site since 1992, took a break from it and came back to it in 2009. His organization incorporated as a 501c3 in order to get a TAG grant. He let me know that this is an ADEQ-led site but that R9 is the lead for the vapor intrusion study and the community involvement related to that. Steve had very positive things to say overall about EPA's involvement in this site, stating, "the only wonderful things that have happened at Motorola have happened because of EPA", i.e., groundwater monitoring study. His perception is that the ADEQ engagement with community members is lacking and he believes people are treated rudely and in a condescending manner by ADEQ and Motorola's consultants who often present at the ADEQ-led meetings. He says it's clear that EPA staff who observe these meetings do not feel empowered to work with ADEQ so that they can do better.

As to EPA's engagement, this is where he shared his concern that something is going on with our SFD program. He says it has been over a year since an EPA meeting was held.

- Mar 2014 – TASC conference call to discuss needs, Steve was on but heard later that others could not get on; Steve suggested examination of whether zero-valent iron to deal with DNAPLs in groundwater (like at Tuscon airport site) would be feasible; agreement this would be put forward as an item for TASC
- Oct 2014 – meeting planned but cancelled at the last minute and a save the date announcement sent for April 20th.

- [REDACTED] ?? Steve sent email complaining that Apr 20th date did not seem likely given last minute cancellation of Oct meeting, received a call from David Y at which point Steve asked re status of TASC request from March. David asked for email chain re this topic and Steve sent.

- [REDACTED] Mar 2015 – email from Carlin to Steve saying they would try to get the zero valent iron ask into that year's TASC and offering another call to discuss TASC yet no details on upcoming Apr 20th meeting

Steve's take away from this exchange is that it seems to him that perhaps the ask got dropped, he understands not on purpose but he wants some acknowledgement of this and more communication about the upcoming Apr 20th meeting.

Part 3 – Asarco and TRI reporting (ENF)

Steve referred to John Hildebrand as “the best RPM in America”. He said John had let him know about high levels of chrome in the air and that a check of the Form Rs submitted by Asarco showed that they were not reporting chrome emissions.

Steve was well aware of EPA's enforcement action and settlement with Asarco but believes we should revisit their TRI reporting for chrome.

Part 4 – Hickman Egg Farm (ENF)

Steve attended (in October) an air permit hearing for the Hickman facility at which he said he smelled very strong ammonia odors. He said that based on training he's received, if you can smell it, the levels are high enough to be significant. He seemed well aware of the 2009 CERCLA exemption for ag activities but believes this facility is in an industrial facility with well in excess of the threshold of fewer than 300K chickens processed, noting too that the Tonopah facility manure winds up at the Arlington facility for processing into pellets. He is in regular contact with community members in Arlington who are parents of kids who attend Arlington Elementary school, which is 3 miles from the Arlington Hickman facility. Per the parents, the kids are regularly kept indoors when ammonia smells are too strong.

Steve reported the odors he smelled to the Maricopa County Dept of Emergency

Management, who, according to Steve, asked him if he would be willing to pay for air monitoring.

Steve wants to know what we can do about this facility.

Deldi Reyes | U.S. Environmental Protection Agency | Region 9| Enforcement Division | Tel
415.972.3795 | reyes.deldi@epa.gov